

Attorney Docket: S300-9901-013C

Arthur J. Shrader

Remarks

Applicant expresses appreciation to the Examiner for the courtesies extended to one of Applicant's attorneys during a telephonic interview of May 4, 2004. Those included in the interview were Examiner Bui and Applicant's attorney, Andrew M. Hassell.

During the interview, Applicant's attorney pointed out differences between the claim (as now amended) and the prior art reference; in particular pointing out that the Bartolucci patent specifically teaches identification of contents and requires non-penetration so as to maintain integrity of the sealed container, whereas Applicant's claim (as now amended) specifically teaches identification of the consumer and specifically requires penetration. In this connection, please see Bartolucci Column 2, lines 50 et seq. Which read "The everted portion 20 does not become ruptured; hence, the integrity of the sealed container remains intact." Please see also Column 2, lines 56 et seq. which read "In order to assure than manual pressure on any one of the raised portions . . . . is localized and will not result in damage to the cover 10 or even mutilation of letters 30 . . . ."

It is thus believed clear that not only does Bartolucci not suggest Applicant's invention, but that it actually teaches away

from Applicant's invention as now claimed. Accordingly, it is respectfully requested that the rejection be withdrawn and that the application be advanced to issue.

Respectfully,

Dated: May 6, 2004

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CERTIFICATE OF MAILING

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 7, 2004.

  
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Harold Levine